

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

FRANCES CARLO, et al.,

Plaintiffs

v.

COLONEL JOSE L. CALDERO, et al.,

Defendants

CIVIL CASE NO. 16-02867 (PAD)

MOTION REQUESTING LEAVE TO FILE REPLY

TO THE HONORABLE COURT:

NOW COME the defendants thought the undersigned counsel, who respectfully state and pray as follows:

1. On May 3, 2017, the defendants filed a motion to dismiss and for judgment on the pleadings grounded, for the most part, on the fact that the Eleventh Amendment precludes plaintiffs' claims under the Fair Labor Standards Act against the Commonwealth of Puerto Rico and its alter ego, the Puerto Rico Police Department (the "PRPD"). Defendants cited several cases to support this argument, some of which are directly on point because they involve FLSA claims brought by individuals against the PRPD.

2. Immediately after filing their motion to dismiss, the defendants moved for a stay of all proceedings until this honorable Court resolves their dispositive motion. As with their motion to dismiss, defendants cited supporting authority establishing that a well-grounded claim of Eleventh Amendment immunity warrants a stay of discovery until this critical threshold issue is resolved. Defendants also argued that a stay is essential because they will needlessly engage in

very expensive discovery if the Court eventually determines that Eleventh Amendment immunity applies here and dismisses this case.

3. Two days ago, plaintiffs filed a seven-page motion opposing defendants' request for a stay. See: Dkt. 142. The plaintiffs elected not to address any of defendants' jurisdictional arguments in their opposition memorandum. Instead, they argue waiver; that defendants disingenuously request a stay; that there is no pressing need for one, and that plaintiffs would be unfairly prejudiced should the Court grant a stay. Defendants very respectfully believe that they should be provided an opportunity to succinctly address these arguments in a reply memorandum, and request until Monday, May 22, 2017 to submit the same.

Respectfully submitted,

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Attorneys for the defendants.

May 17, 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, defendants have electronically filed the instant document with the Clerk's Office of this Court by means of the CM/ECF System, which will notify such filing to all attorneys of record in this case.

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